

32-35), drawn to gene therapy methods of treating a subject suffering from a hyperproliferative disorder/cancer associated with p27 protein defects comprising administering a recombinant virus capable of infecting a suitable host cell, and related pharmaceutical compositions. Applicants traverse this restriction requirement based on the reasons which follow.

The Examiner asserts that the restriction requirement is proper because the inventions are distinct and have acquired a separate status in the art as shown by their different classification. However, Applicants note that Group IV (claims 23-28) and Group VI (claims 32-35) are classified in the same class, namely 514. Indeed, these two groups are closely related and encompass the same subject matter, that is, treating a subject having a hyperproliferative disorder. Therefore, it is respectfully submitted that a proper search for the claims of Group VI would necessarily include a search of art relevant to Group IV.

For the above reasons, Applicants respectfully submit that simultaneous examination of the pending claims (or at least claims 23-25, related to a hyperproliferative disorder) of Group IV with the pending claims of Group VI would not impose a substantial additional burden on the Examiner. Pursuant to MPEP 803, "[I]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions" (emphasis added). Accordingly, reconsideration and withdrawal of the restriction requirement is respectfully requested.

The Examiner may address any questions raised by this submission to the undersigned at 617-951-7000. Should an extension of time be required, Applicants hereby petition for same and request that the extension fee and any other fee required for timely consideration of this submission be charged to **Deposit Account No. 18-1945**.

Respectfully Submitted,

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